

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Schmidt

Serial No.:

10/644,450

Filed:

August 20, 2003

For: FORMULATED RESIN
COMPONENT FOR USE IN A
SPRAY-IN-PLACE FOAM SYSTEM
TO PRODUCE LOW DENSITY
POLYURETHANE FOAM

Docket No.:

IN-12166

Group Art Unit:

1711

Examiner:

Cooney, John M.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant(s) submit(s) herewith patents, publications, or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56. Pursuant to 37 CFR § 1.704(d), this submission contains references which is from a communication which was not received by any individual designated in 37 CFR § 1.56(c) more than 30 days prior to filing of this IDS. A copy of the European Communication dated January 26, 2006 is being provided for the offices review and consideration.

Applicant also wishes to note that an Office Action is currently outstanding for the above referenced application. Upon responding to the outstanding office action, the Applicant will fully address all of the references noted in the European Communication.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

☒ Submitted herewith is Form PTO/SB/08A and PTO/SB/08B (Modified) listing patents, publications, or other information for consideration by the Office.

COPIES PROVIDED:

- ☒ Legible copies of all items listed on Form PTO/SB/08A and PTO/SB/08B accompany this Information Disclosure Statement, except copies of U.S. patents, U.S. patent application publications, copies of U.S. applications that were filed on or after June 30, 2003, and copies of U.S. applications that were filed before June 30, 2003 that are available in the Image File Wrapper System.
- ☐ Under 35 U.S.C. §120, this application relies on the earlier filing date of prior application Serial No. [____], filed on [____]. The following references were submitted to and/or cited by the Office on this prior application and are therefore not required to be provided in this application:
- ☐ In accordance with 37 C.F.R. §1.98(c), a copy of only [____] is being submitted with this Information Disclosure Statement, and is cumulative of the following patents or publications listed on Form PTO/SB/08A:

FOREIGN LANGUAGE DOCUMENTS

- ☒ There are no foreign language documents listed on Form PTO/SB/08A.
- ☐ English language abstract for the following non-English references are enclosed:

<u>Foreign Patent Document</u>	<u>Publication Date</u>	<u>Name of Patentee or Applicant of Cited Document</u>
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- ☐ Submitted herewith is an English translation of the following foreign language patents, publications or information or of portions of those patents, publications or information considered to be material:
- ☐ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- ☐ The following foreign language documents are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith:

<u>Cited Art</u>	<u>English Equivalent</u>
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- ☐ Submitted herewith is an English language version of a PCT search report listing information not in the English language and indicating the degree of relevancy found by the International Bureau of WIPO, in satisfaction of the requirement (under 37 C.F.R. §1.98(a)(3)) for a concise explanation of the relevance of non-English information.

- ☐ A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:

**Foreign Patent
Document**

Explanation of Relevance

- ☐ A concise explanation of the relevance of the following listed non-English language information is set forth in the above-identified specification:

CERTIFICATION:

- ☐ The Information Disclosure Statement transmitted herewith is being filed **within** three (3) months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). Accordingly, it is believed that no certification or fee is due.
- ☒ The Information Disclosure Statement transmitted herewith is being filed **after** three (3) months of the filing date of the application or the date of entry into the national stage of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, whichever occurs first. Accordingly, I hereby certify that:
- ☒ each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement; 37 C.F.R. §1.97(e)(1); Pursuant to 37 CFR § 1.704(d), each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than 30 days prior to filing the IDS **OR**
- ☐ no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **OR**
- ☐ Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of an Information Disclosure Statement under 37 C.F.R. §1.97(c). If a check is not enclosed, please charge the **\$180.00** IDS submission fee to Howard & Howard Attorneys PC **Deposit Account No. 08-2789**. A duplicate of this paper is enclosed.
- ☐ The Information Disclosure Statement transmitted herewith is being filed **After a Final Action** under 37 C.F.R. §1.113, or **After a Notice of Allowance** under 37 C.F.R. §1.311, whichever occurs first, but is being filed on or **Before Payment of the Issue Fee**. Accordingly, I hereby certify that:
- ☐ each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); **OR**

- ☐ no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **AND**
- ☐ Applicant hereby petitions for consideration of this Information Disclosure Statement; 37 C.F.R. §1.97(d)(2)(ii). If a check is not enclosed, please charge the petition fee of **\$180.00** Howard & Howard Attorneys PC **Deposit Account No. 08-2789**. A duplicate of this paper is enclosed.

The Commissioner is authorized to charge Howard & Howard Attorneys PC Deposit Account No. 08-2789 for any additional fees due hereunder.

Respectfully submitted

February 24, 2006
Date

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